

# Exhibit J

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
3                           SOUTHERN DIVISION

4       GARY BRICE McBAY,  
5           Plaintiff,

6       VERSUS                   CIVIL ACTION NO: 1:07cv1205LG-RHW

7  
8       HARRISON COUNTY, MISSISSIPPI,  
9       by and through its Board of  
10      Supervisors; HARRISON COUNTY  
11      SHERIFF, George Payne, in his  
12      official capacity; CORRECTIONS  
13      OFFICER MORGAN THOMPSON,  
14      acting under color of state law,  
15      Defendants.

16                   DEPOSITION OF REGINA L. RHODES

17       Taken at the offices of Brown Buchanan,  
18       P.A., 796 Vieux Marche' Mall, Suite 1,  
19       Biloxi, Mississippi, on Thursday,  
20       September 17, 2009, beginning at 2:22  
21       p.m.

22       APPEARANCES:

23       PATRICK R. BUCHANAN, ESQUIRE  
24       MARK V. WATTS, ESQUIRE  
25       Brown Buchanan, P.A.  
26       796 Vieux Marche' Mall, Suite 1  
27       Biloxi, Mississippi 39530  
28       ATTORNEYS FOR PLAINTIFF

29       JOE C. GEWIN, ESQUIRE  
30       Dukes, Dukes, Keating & Faneca, P.A.  
31       2909 13th Street, Sixth Floor  
32       Gulfport, Mississippi 39501  
33       ATTORNEY FOR GEORGE PAYNE, JR.

1 Center. I'm going to call it the jail just  
2 because I don't want to say four words instead of  
3 one word, frankly. So when I say "jail," can we  
4 understand that I'm referring to the Harrison  
5 County --

6 A. Yes, sir.

7 Q. -- Detention Center?

8 All right. When you worked there, are  
9 you familiar with the term "brother by a different  
10 mother," the phrase?

11 A. Yes, sir.

12 Q. What's that mean to you?

13 A. Well, basically, we shortened it,  
14 brother from another mother. It was just to  
15 explain the closeness between the folks that  
16 worked at the jail.

17 Q. All right. The correction officers that  
18 worked together?

19 A. Yes, sir.

20 Q. And y'all were close and relied on each  
21 other and depended on each other?

22 A. Yes, sir.

23 Q. All right. Have you heard the term "red  
24 light, green light"?

25 A. Yes, sir.

1 Q. Was that a phrase that was used in  
2 booking?

3 A. Yes, sir, it was.

4 Q. Tell us what that phrase means to you.

5 A. Red light would be the facial area,  
6 anything that you -- you weren't supposed to hit  
7 anything that would show on a booking photo, and  
8 green light would be the rest of the body.

9 Q. All right. And how did y'all come to  
10 use red light, green light and determine where you  
11 should and shouldn't hit?

12 A. Well, after Deputy Thompson had a  
13 particularly bad booking shot of an inmate named  
14 Only, OIC Teel had a impromptu meeting with our  
15 shift in the back of booking and inmate records  
16 and said that red light, green light -- you know,  
17 that the chief was -- the chief, Captain Gaston,  
18 was upset about the booking photo and that we  
19 needed to be more careful.

20 Q. All right. Be more careful where you  
21 hit people?

22 A. Yes, sir.

23 Q. Okay. So it's okay to hit folks just as  
24 long as it didn't show up on the booking photo?

25 MR. GEWIN:

1 Object to leading.

2 MS. YOUNG:

3 Object to the form.

4 MR. BUCHANAN:

5 Q. Subject to the objection, did you hear  
6 my question?

7 A. Yes, sir, I did.

8 Q. Okay. So it was okay to hit people as  
9 long as it didn't show up on the booking photo?

10 A. Yes, sir.

11 Q. People in booking, I mean, there are  
12 different legal terms for them, inmates, detainees  
13 and all of that. I'm going to call them inmates  
14 just for sake of ease again, not necessarily  
15 subscribing any legal terms or get you to give me  
16 legal opinions on the different rights owed to an  
17 inmate versus a detainee and all of that. Okay?  
18 Was it common, in your experience when you were  
19 there, for inmates that were brought in there to  
20 be taunted by the correction officers?

21 A. Yes, sir.

22 Q. Tell us about that.

23 A. If the inmate came in and was either  
24 running their mouth or, you know, belligerent in  
25 any way, you know, even if they weren't sometimes,

1 the officers would start picking on them, taunting  
2 them, you know, if -- in particular, if somebody  
3 was looking at you, you know, looking at you hard,  
4 you know, you might say if you're feeling froggy  
5 jump or, you know, you're looking at me like you  
6 want to hit me, go ahead, stuff to that effect.

7 Q. Did you hear Officer Teel ever taunt  
8 inmates?

9 A. Yes, sir.

10 Q. Did you hear Officer Thompson ever taunt  
11 inmates?

12 A. Yes, sir.

13 Q. Did you hear Officer Wills ever taunt  
14 inmates?

15 A. Yes, sir.

16 Q. How about Officer Stolze, did he ever  
17 taunt the inmates?

18 A. Yes, sir.

19 Q. And Officer Thompson has pled guilty to  
20 charges arising out of his employment there at the  
21 jail and is serving time?

22 A. Yes, sir.

23 Q. All right. And the same with Officer  
24 Stolze?

25 A. Yes, sir.

1 Q. And Officer Priest?

2 A. Yes, sir.

3 Q. And Officer Wills?

4 A. Yes, sir.

5 Q. All right. Folks that would come in who  
6 had been drinking, were they more apt to be  
7 taunted by these officers?

8 A. To me, I would say they appeared to be.

9 Q. And why is that?

10 A. They were easier targets.

11 Q. Give me one minute real quick. Let me  
12 jump -- and I hate to jump around on you, but I  
13 need to ask a couple of questions before I ask  
14 some other questions. So let me go back to  
15 Exhibit 1. On Page 3 of Exhibit 1, it says that,  
16 While she, being you, were assigned to the booking  
17 area, you observed Teel and other corrections  
18 officers engage in a pattern of physical abuse of  
19 inmates at the jail. Is that a true statement?

20 A. Yes, sir.

21 Q. All right. More specifically, Teel and  
22 other correction officers routinely participated  
23 in striking, punching, kicking, choking and  
24 otherwise assaulting inmates in circumstances that  
25 did not justify the use of force. Is that a true

1 statement?

2 A. Yes, sir, it is.

3 Q. Those things, that pattern, that  
4 practice of abuse, did that happen -- I mean, did  
5 it happen just on one day during the time you were  
6 there or did it happen for a long period of time  
7 while you were employed there?

8 A. It was almost daily while I was employed  
9 there.

10 Q. All right. It said, Teel regularly  
11 encouraged other correction officers regarding  
12 their involvement in this conduct. Is that a true  
13 statement?

14 A. Yes, sir, it is.

15 Q. Meaning he did things and he got the  
16 other officers involved in the things -- the  
17 assault on the inmates?

18 A. Yes, sir.

19 Q. All right. Additionally, Teel and other  
20 correction officers submitted false, incomplete,  
21 and misleading jail reports for the purpose of  
22 covering up these assaults. Is that a true  
23 statement?

24 A. Yes, sir.

25 Q. All right. And it says you were aware

1 that Teel and other correction officers were  
2 submitting false and incomplete and misleading  
3 reports to cover up the uses of unnecessary force  
4 and failed to report their criminal conduct. Is  
5 that a true statement?

6 A. Yes, sir, it is.

7 Q. All right. Those things that I just  
8 read in that paragraph, do those things apply to  
9 Officer Stolze?

10 A. Yes, sir.

11 Q. Do they apply to Officer Priest?

12 A. Yes, sir.

13 Q. Do they apply to Officer Teel?

14 A. Yes, sir.

15 Q. Do they apply to Morgan Thompson,  
16 Officer Thompson?

17 A. Yes, sir.

18 Q. All right. Were you there on the night  
19 the incident happened with Jessie Lee Williams?

20 A. Yes, sir, I was.

21 Q. Before Mr. Williams was beaten to death,  
22 was he taunted by the booking officers?

23 A. Yes, sir, he was.

24 Q. Did Mr. Williams make any comments or  
25 say anything to the booking officers either before

1 or when they were taunting him?

2 MR. BRENDL:

3 Object to the form. When you're talking  
4 about booking officers, I want to make sure we  
5 know which booking officers we're talking about..

6 MR. BUCHANAN:

7 Q. Do you recall who was on duty that  
8 night?

9 A. Yes, sir.

10 Q. Who was on duty that night?

11 A. Myself, OIC Teel, and Thompson.

12 Q. Morgan Thompson --

13 A. Yes, sir.

14 Q. -- and Officer Teel? All right. And  
15 did Officer Teel and Officer Thompson taunt  
16 Mr. Williams?

17 A. Yes, sir.

18 Q. Did he say anything to Officer Teel or  
19 Officer Thompson before or when they were taunting  
20 him?

21 A. While he was handcuffed he said he was  
22 going to beat Teel's ass.

23 Q. But he was handcuffed when he said that?

24 A. Yes, sir.

25 Q. And then after Mr. Williams was beat,

1 the nurse was called, right?

2 A. Yes, sir.

3 Q. And the nurse looked at him, said he had  
4 a cut lip, cut ear and his eyes were puffy?

5 A. Yes, sir.

6 Q. And she also said, I believe, that he  
7 didn't need to go to -- he didn't need to go out  
8 for AMR?

9 A. Yes, sir.

10 Q. All right. She said that he was going  
11 to live and be okay?

12 A. Yes, sir.

13 Q. And I asked you this, and it's in your  
14 pleas. So the booking officers would falsify  
15 their reports; is that right?

16 A. Yes, sir.

17 MR. GEWIN:

18 Object to the form.

19 MR. BRENDDEL:

20 Object to the form, time.

21 MR. BUCHANAN:

22 Q. I'm trying to look for a page  
23 discreetly, and I'm not having that much luck, so  
24 I apologize. So I'll just tell you that I'm  
25 taking an extra minute here because I can't find

1 the page that I was looking for. There we go.

2 The objection was time. Would it be  
3 fair to say that from when you started in May of  
4 2004 until when you left in April of 2006, the  
5 corrections officers would falsify reports?

6 A. Yes, sir.

7 MR. BRENDDEL:

8 Object to the form, not specifying the  
9 correction officers' names.

10 MR. BUCHANAN:

11 Q. You and I have already talked about the  
12 names of correction officers who falsified  
13 reports, haven't we?

14 A. Yes, sir.

15 Q. Thank you.

16 (Exhibit 2 was marked.)

17 MR. BUCHANAN:

18 Q. Exhibit 2 is the Uniform Booking/Arrest  
19 Form for William David Seal, and I want to talk to  
20 you about that in terms of you weren't on duty  
21 when Mr. Seal was booked into the jail. And let  
22 me ask you this: You're aware that there are  
23 cameras in the jail, right --

24 A. Yes, sir.

25 Q. -- showing different areas of the